

Docket No.: 320528568US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chuang-Kung Hou

Allowed: June 5, 2009

Application No.: 10/759,272

Confirmation No.: 6843

Filed: January 20, 2004

Art Unit: 2622

For: APPARATUS FOR A PORTABLE
ELECTRONIC DEVICE

Examiner: K. F. Wang

APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION
UNDER 37 C.F.R. § 1.705(B)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests reconsideration of the patent term adjustment indicated on the Issue Notification mailed September 30, 2009.

(1) Applicant is including the fee set forth in 37 C.F.R. § 1.18(e). Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 320528568US from which the undersigned is authorized to draw.

(2) Statement of Facts

(i) Correct Patent Term Adjustment and Bases for Adjustment

The correct patent term adjustment is 951 days. The PTO's calculated patent term adjustment is 636 days. Applicant is entitled to an additional 315 days of patent term adjustment.

The PTO properly accounted for the delay under 35 U.S.C. § 154(b)(1)(A), referred to as the "A delay." The A delay is 729 days.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(B), referred to as the "B delay." The B delay is 373 days.

The PTO failed to properly account for the overlap under 35 U.S.C. § 154(b)(2)(A) in the A delay and the B delay. The overlap is 58 days.

The PTO properly accounted for the reduction in patent term adjustment under 35 U.S.C. § 154(b)(2)(C). The reduction is 93 days.

The correct patent term adjustment is the sum of the A delay and the B delay minus the overlap and minus the reduction. Thus, the correct patent term adjustment is $729 + 373 - 58 - 93$, which is 951 days.

(ii) Relevant Dates

A Delay		
Filing Date + 14 months	1/20/2004	↓
First Office Action	3/19/2007	729
Total		729

B Delay		
Filing Date + 3 Years	1/20/2004	↓
Issue Date/1st RCE Filed	1/28/2008	373
Total		373

Overlap	
Total	58

Reduction		
Non-Final Office Action	3/19/2007	↓
Reply	6/15/2007	0
Final Office Action	8/28/2007	↓
Reply	1/28/2008	61
Non-Final Office Action	3/19/2008	↓
Reply	7/21/2008	32
Total		93

(iii) Terminal Disclaimer

The patent is not subject to a terminal disclaimer.

(iv) Failure to Engage in Reasonable Efforts

Applicant is not contesting the reduction in patent term adjustment of 93 days as accounted for by the PTO that are "deemed" to be a failure to engage in reasonable efforts under 37 C.F.R. § 1.704. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.704.

Dated: December 21, 2009

Respectfully submitted,

By 

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